

**TYRONE TOWNSHIP BOARD OF TRUSTEES
TYRONE TOWNSHIP PLANNING COMMISSION**

**Approved Joint Meeting Minutes
September 22, 2009 7:00 p.m.**

BOARD MEMBERS PRESENT: Suzanne Anderson, Steve Hasbrouck, Keith Kremer, Brian Miles, Don Peitz, Andy Schmidt

BOARD MEMBERS ABSENT: Dave Kurtz

PLANNING COMMISSION MEMBERS PRESENT: Joe Fumich, Dave Hanoute, Steve Hasbrouck, Ed Kempisty, Mark Meisel, Laurie Radcliffe

PLANNING COMMISSION MEMBERS ABSENT: Gary Butler

ALSO IN ATTENDANCE: Fred Dillingham, Livingston County Economic Development Director and Sally Hodges of McKenna Associates, Tyrone Township Planning Consultant

CALL TO ORDER: 7:00 p.m. by Planning Commission Chairman Hanoute

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

- 1 Karl Gill, 8374 Bennett Lake Road, said he wanted to discuss his neighbor's greenhouse. Mr. Hanoute told Mr. Gill that his request would be scheduled under 'Other Business'.

APPROVAL OF THE AGENDA:

- 1) Brian Miles asked for a brief discussion of Strategic Planning procedures and the citizen survey currently being distributed to Township residents under Other Business.

Mr. Hanoute added the discussion to Other Business.

Moved by Meisel, seconded by Kempisty, to approve the Agenda as amended. Motion carried by unanimous voice vote.

CORRESPONDENCE:

- 1) Request of Steve Hasbrouck to serve as a member of the SEMCOG Regional Infrastructure Committee to review local laws pertaining to the hindrance of infrastructure development.

Mr. Hasbrouck told the Township Board members that he was called by Bill Hershey of SEMCOG who was putting together a task force to view local laws inhibiting infrastructure development. There will be approximately five or six meetings over a six month period.

Moved by Miles, seconded by Anderson, to support Mr. Hasbrouck's request to serve as a member of the SEMCOG Infrastructure Committee. Motion carried by unanimous voice vote.

BUSINESS TO COME BEFORE THE MEETING:

1) Review of Potential PCS Rezoning and Options for the Master Plan Update

Tyrone Township Planner Sally Hodges of McKenna Associates explained that the Planning Commission has been working on Master Plan revisions to better align the Master Plan recommendations and land use categories with the specific Zoning Ordinance Districts to be used in implementing the Master Plan.

The Master Plan is authorized by four state Acts which were consolidated as PA 33 of 2008. The purpose of the Master Plan is to guide development in the Township. It addresses land use and infrastructure issues, provides recommendations for future development and is the basis for zoning. Under the new Zoning Act, you have to be clear about the zoning districts which implement each land use category shown on the Township's Zoning Map and the Future Land Use Map.

The Master Plan is a Planning Commission document that becomes final when it is approved by the Planning Commission unless the Board specifically adopts a resolution asserting their right to approve the Master Plan also. Township Zoning must be based on the Master Plan. If not, zoning decisions are at risk in the courts. Zoning is established for the regulation and protection of public health, safety, and welfare.

The focus of Tyrone Township's Master Plan is on a preference for planned development, the ability to negotiate with developers, and allowances for flexibility in some of the standards contained in the new PUD and PCS Ordinances. During development of the original Master Plan, Township residents placed a high priority on open space and natural resources preservation.

The Master Plan describes the township's development intentions based on an analysis of existing property locations and conditions together with demographics, economics, and transportation. The essence of the text is represented in the Future Land Use Map. Each color represents a different future land use with most of the future non-residential development planned for the west side of US 23. Under the Planning and Enabling Act, the Planning Commission must review and determine whether or not to revise the Master Plan every five years. It doesn't have to be revised, but updates or revisions have to be discussed.

The new PCS Zoning District was developed to combine the B-1, B-2 and ES Commercial Zoning Districts under one heading to insure application of uniform standards, simplify administration, and establish a zoning district that represents the intent of the Master Plan. The PCS Zoning district aligns with the Master Plan for proposed Commercial Services, requires special Land Use approvals for sites over 20,000 square feet, and requires a Public Hearing for review of development plans.

The Planning Commission will initiate the PCS rezoning of property currently zoned B-1, B-2 and ES. Currently, there are no sites zoned B-1, one site zoned M-1, and seven B-2 commercial sites located on the west side of US 23. Comparing the Zoning Map to the Future Land Use Map, there are matches for only two sites---Woody's and Pineridge. Sites where the zoning and Master Plan don't match are a vacant parcel at Dean Road and Old US 23, Pennington Gas, Young Construction, Tradin' Paint, Watersports Marine, Trusted Tool and Amerigard Storage.

A majority of the frontage on the west side of US 23 is zoned for residential use and Master Planned for residential use, but it is unlikely that new residential developments will be built next to the existing non-residential developments along the US 23 frontage. The lack of consistency between the Master Plan and the actual US 23 land use creates the potential for consideration of new non-residential sites.

The 'Planned Commercial Services' (PCS) language has already been adopted. The next steps will be to prepare the 'Planned Industrial, Research, and Office' (PIRO) text, make the necessary changes to the Master Plan and Future Land Use Map to bring them into agreement, and investigate the amount of property currently set aside for residential, commercial and industrial uses.

Ms. Hodges explained that the Township's Master Plan update options are:

1. To continue to review the uses on the east and west side of the US 23 corridor, evaluate potential uses based on the economy, the availability of utilities and the availability of land, and conduct a visioning session for the use of the US corridor. The estimated cost would be \$7,000.00 to \$10,000. The cost for the visioning session itself would be between \$3,000,00 and \$5,000.00.
2. To prepare a statutory five year review including a Township wide Master Plan scan which would add an additional \$1,000.00 to \$2,000.00 to the first option.
3. To completely update the Master Plan, expand the visioning session and survey to the entire Township, research the economic data, and provide land use analysis for approximately \$17,000 to \$25,000.

Ms. Hodges suggested postponing the third option to until the information from the 2,010 Census becomes available. The Township could budget in advance for the update and spread the payment over several years.

Other comments made during discussion of the Zoning and Master Plan revisions noted that:

- The west side of the US 23 Expressway contains all of the Township's non-residential uses except for a few quasi-public uses on the east side;
- Sewer access is available on the west side of US 23;
- The west side of US 23 has better access roads;
- The west side of US 23 has non-residential uses on parcels Master Planned as residential,
- There is a consistent non-residential use for the west side of US 23 throughout Livingston County;
- Most of the Township's land on the east side of US 23 is fragmented into small residential estates;
- There are fewer improved roads on the east side of the US 23 Expressway;
- It is likely that the east side of the corridor will remain residential, but there might be some redevelopment at the interchanges;
- The Zoning Ordinance and the Future Land Use Map are not consistent and the existing commercial sites need to be rezoned to PCS;

- Some of the residentially zoned areas could be designated as future commercial and industrial sites while the Zoning and Land Use Maps are being revised;
- The concentration of residential uses on the east side of US 23 and non-residential uses on the west side of US 23 is the result of the previous Master Plan Visioning Session and previously established uses;
- The new PUD Ordinance allows some commercial development as a percentage of residential development on both sides of the US 23 corridor; and
- Revisions to the zoning text and Master Plan should be done fairly quickly to prepare for future development opportunities.

Fred Dillingham, Director of the Livingston County Economic Development Council, cautioned against creating more commercial than industrial locations based on the amount of commercial development located in the City of Fenton and at M-59 in Hartland Township and a forecast for decline in Michigan's residential growth. Population and demographics are the keys to commercial development while transportation and parcel availability are the keys to second tier industrial development. The typical light manufacturing site is between 20,000 and 40,000 feet.

Mr. Dillingham said that Eastern Livingston County has more potential for industrial than commercial development. To make sure sites are available, he recommended considering Township purchase of foreclosed property within the SAD district so land for future development is controlled by the Township. Ms. Hodges noted that there are two different zoning districts currently under discussion by the Planning Commission---PCS (Planned Commercial Services) and PIRO (Planned Industrial, Research, and Office). The Future Land Use Map shows more land set aside for PIRO use than for PCS use.

During discussion of planning and zoning updates, the Board and Planning Commission noted that:

- PIRO and PCS adjustments to the Future Land Use Map should be made at the same time.
- Within the PIRO Ordinance there is the potential for light, medium, and heavy industrial sub districts;
- The industrial use boundaries planned for Section 17 are conceptual, but the intent is to locate higher intensity uses in the center;
- One of the largest Section 17 PIRO parcels includes a high intensity use area and another includes a low intensity use area;
- Not having the PIRO parcels under common ownership could make development difficult;
- Open Space doesn't appear to be divided evenly among the Section 17 parcels;
- Location of the Section 17 Open Space was based on natural drainage and the potential for use as retention, detention or fire suppression facilities;
- Open Space site locations may not be unusable as building sites, but they can indicate building constraints for developers;
- Both the PIRO and PCS districts are conceptual;
- Industrial and commercial use boundaries do not have to follow parcel boundaries;
- PIRO districts are intended to be more flexible than traditional light, medium, and heavy industrial zoning;
- Water service is not available, but the Township has good water supplies;
- The Planning Commission has the responsibility for developing and updating the Master Plan;
-

- Developers prefer areas where they don't have to rezone---locate quick, build quick, and be under production quick;
- The original TRW building was built and used by a resident of the Township, but has been retained and expanded because of its location;
- Tyrone Township's location is well suited for the NAFTA corridor;
- The Board may want to be responsible for tracking the potential industrial SAD parcels in the Township;
- Suppliers look for property within 30 to 40 miles of a primary source.
- Development grants apply to property already purchased and are based on investment and the number of jobs created;
- The Township should research suitable development properties within the SAD district which have a high potential for default; and
- The development of industrial growth rests on Master Plan designations, Zoning Ordinance requirements; establishment of a SAD District, investigation of tax sale potential, and purchase of property to be controlled by the Township.

Ms. Hodges explained that the Master Plan revision would require an authorization by the Board to send out an 'Intent to Plan' notice to surrounding municipalities, preparation of a Master Plan, a Public Hearing, revising the Plan, forwarding copies of the Plan to the Township Board and surrounding municipalities, waiting for the comment period to expire, and holding another Public Hearing prior to adoption.

The Planning Commission intent is to continue their work on the US 23 corridor plan and to postpone any other Master Plan revisions at this time. A revised Master Plan and new Zoning Districts will have to be adopted to develop consistency between the Zoning Ordinance and the Master Plan. This is the time to look at other parcels that can be folded into the new Zoning classifications because properties can't be rezoned to a use that isn't consistent with a Master Plan.

The next Planning Commission meetings will be used to prepare an approach to the Board to amend the Master Plan and present a report on the cost. The Planning Commission will be responsible for the Zoning while the Board could move forward in evaluating the availability of property within the SAD District. Mr. Dillingham said he would be willing to participate in discussions and contact property owners regarding their tax status and potential for purchase.

2) Review of Planning Commission Procedures

Clerk Kremer told the Planning Commission they needed to set goals and write procedures to follow. Developers should have their requests approved in one meeting. They should be able to get through the process in 90 days. If they have to, the Planning Commission should take some time up front to review plans to discourage people from coming to the Township unprepared. If applicants aren't ready, deny the request and have them start over.

Mr. Hanoute told Mr. Kremer that the Planning Commission used to have a Subcommittee that met for conceptual reviews with applicants until it was cut from the budget. Mr. Kremer recommended a cost plus application procedure. Other places are charging \$1600 or \$2000 for a review. If we guarantee applicants that they won't have to go back to their Engineer several times, they will probably save money. Mr. Meisel expressed concern about the expenses for Township residents who bring in small projects. Mr. Kremer suggested keeping the fees at \$2,000 for smaller projects.

Other comments during review of the Planning Commission procedures concerned:

- Reinstatement of the Subcommittee to review plans for concept and completeness of application;
- Bringing application fees into line with actual costs;
- Consideration of a minimum application fee of \$1,000.00 to \$2,000.00 for Site Plan Reviews;
- Strict compliance with the existing approval procedure requirements outlined in the Zoning Ordinance and the Ordinance check lists;
- Postponement of any Planning Commission project discussion until consultant and agency reviews have been received;
- The tendency of applicants to make their own interpretation of the Ordinance requirements and Planning Commission check lists;
- Returning any incomplete application with a list of information that is missing;
- Establishment of expectations about how long the request will take to review;
- Allowing enough lead time to accomplish all agency or consultant reviews prior to Planning Commission discussion; and
- Establishing fees for each part of the review process.

OTHER BUSINESS FROM MEMBERS:

1) STRATEGIC PLANNING

Mr. Miles said his interest in strategic planning developed during attendance at MTA and SEMCOG meetings. Every community has the same challenges and SEMCOG recommends establishing some 'best practices' for tackling the Township's issues. The purpose of the plan is to state the mission and goals of the Township, establish a timeline for achievement, and include a process of checks and balances to insure that the goals are met. He provided a copy of the Hartland Township Strategic Plan as an example.

Part of a Strategic Plan is development of a Community Survey to provide a starting point and a list of areas to be worked on. The board has sent out a survey, but it isn't the intent of the survey to provide Master Plan direction. After the survey, the Board will put together a committee to work on the Strategic Plan. The committee might include community leaders and Planning Commission members together with Board members. .

During consideration of Strategic Plan development, the Board and Planning Commission discussed:

- The time period covered by the Hartland Township's Strategic Plan example;
- The similarity of the strategic plan to systems program development;
- Stating how results will be measured as part of the plan;
- Being able to, "Say what you do and then doing what you say";
- Specifically stating how promoting and protecting the environment, providing quality service, and exceeding expectations will be accomplished;
- The amount of time and work that is needed to develop a Strategic Plan;
- The difficulty of proving that general statements have been adhered to;
- Including language in the plan that will say what will be measured, how it will be measured, and what it will be measured against;

- Tailoring the plan to reflect the Township's resources and population;
- Use of the Strategic Plan to provide information for residents without having to read the Master Plan; and
- Continuing with the revisions to a Master Plan which has already been approved.

2) Remarks from resident Carl Gill

Mr. Gill said that he attended two Meetings where the Township denied the herb farm (requests) because they didn't have their paper work up to date, and the greenhouse (request) because they didn't have their paperwork up to date. As far he knows, the greenhouse hasn't been back to the Board, but they were given permission to open up and sell.

Mr. Hanoute asked Mr. Gill if his complaint was that plants were being sold at the greenhouse without permission. He explained that the facility was not being used as an Agri-Business. They have a roadside stand selling mums. Mr. Schmidt explained that he had checked on the use and told them they could do it.

Mr. Hanoute said the Planning Commission would check into the use. Mr. Gill said they still didn't have any parking places at the greenhouse and it shouldn't be open.

3) Zoning Ordinance Enforcement

Mr. Hanoute thought that there is a lack of consistent Zoning Ordinance enforcement in the Township, but he didn't know what the solution to the problem should be. We had an enforcement agent at one time and now enforcement lies with the Zoning Administrator. It is probably a Board matter, and he suggested discussing it at a future joint meeting.

Other comments concerned:

- The agency or person(s) responsible for assigning Ordinance enforcement investigations;
- The level of enforcement;
- Whether the enforcement officer should seek out violations or limit his response to obvious violations;
- Determining how complaints should be presented to the Township;
- Following the complaint procedure adopted by the Board for logging, follow-up, verification, and return visits whether complaints are written or not;
- Routinely writing violations for failures to apply for permits;
- Requiring written complaints from residents to avoid accusations of discrimination or favoritism;
- Establishing a chain of command for complaints;
- Requiring a written response and follow up for written complaints;
- The response to violations based on lack of knowledge of Township regulations;
- Inclusion of Ordinance violation and fine information in the Township's newsletter,
- Instructing the Zoning Administrator to take action on violations if he observes one while investigating another complaint;
- Difficulties in enforcing Ordinances when the Township offices are closed;
- Asking Township Trustees and Planning Commission Members to report Ordinance violations to the Zoning Administrator, and
- Tracking written complaints to prove what has been done.

ADJOURNMENT: The Meeting was adjourned at 9:30 p.m. by Mr. Hanoute



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission